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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,728	09/20/2006	Carsten Diederichs	W1.2259 PCT-US	4030

7590 10/26/2009  
Douglas R. Hanscom  
Jones, Tullar & Cooper  
P.O.Box 2266 Eads Station  
Arlington, VA 22202

EXAMINER
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LEGASSE JR, FRANCIS M

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10/26/2009

PAPER

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The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10593728	9/20/2006	DIEDERICHS, CARSTEN	W1.2259 PCT-US

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**EXAMINER**

FRANCIS M. LEGASSE JR

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DATE MAILED:

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**Commissioner for Patents**

***Information Disclosure Statement***

The information disclosure statement filed 2 September 2009 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because it fails under the 37 CFR 1.97(e) requirement. In particular, Applicant fails to state "that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application...". Applicant states that the information was first cited in a communication from a foreign patent office; therefore, this information may have been contained in a second or subsequent action and not a first action. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a)..

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Francis M. LeGasse Jr whose telephone number is (571) 272-9798. The examiner can normally be reached on Monday through Thursday 7:00 am to 5:30 pm E.S.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached on (571) 272-2328. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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